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DOCKET NO.: CAN-121



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

Applicants: Lariviere et al.

Art Unit: 3761

AUG 17 2004

Serial No.: 09/374,512

Examiner: Michele M. Kidwell

OFFICE OF PETITIONS

Filed: August 16, 1999

For: **THIN SANITARY NAPKIN ALLOWING FOR CONTROLLED
DEFORMATION WHEN IN USE**

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: MAIL STOP PETITION, Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on

August 11, 2004

(Date of Deposit)

Paul J. Higgins

Name of applicant, assignee, or Registered Representative

(Signature)

August 11, 2004

(Date of Signature)

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

**PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

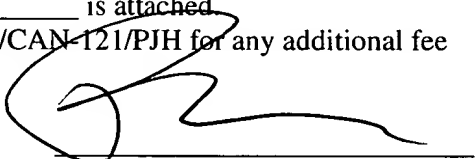
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

08/16/2004 HALL11 00000020 100750 09374512
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1. Petition fee
☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
☒ Other than small entity-fee \$ 110.00 (37 CFR 1.17(m))
2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of Amendment:
☐ has been filed previously on _____.
☒ is enclosed herewith.
B. The issue fee of \$ _____.
☐ has been paid previously on _____.
☐ is enclosed herewith.
3. Terminal disclaimer with disclaimer fee
☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).
4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].
5. Fee payment:
☒ Charge the petition fee of \$110.00 to Account 10-0750/CAN-121/PJH and for any additional fee required. A duplicate of this petition is attached.
☐ A check in the sum of \$ _____ is attached.
☒ Charge Account 10-0750/CAN-121/PJH for any additional fee required.



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New Brunswick, NJ 08933
Tel. No.: (732) 524-1728
Date: August 11, 2004

- Enclosures: ☒ Fee Payment ☐ Terminal Disclaimer Form
- ☒ Reply (Amendment) ☐ Additional sheets containing
statements establishing unintentional
delay
- ☐ Other:



Serial No. 09/374,152 Docket No. Can-121 By: PTH
Application of: Laciviere et al Mailed: August 11, 2004
Entitled: Pharmaceuticals for the treatment of
Diabetes Mellitus

THE FOLLOWING HAS BEEN RECEIVED IN THE U.S. PATENT OFFICE ON THE DATE STAMPED HEREON:

- | | |
|-----------------------------------------------------------------------|----------------------------------------------------------------------|
| <input type="checkbox"/> Oath or Declaration | <input type="checkbox"/> Drawings _____ sheets |
| <input type="checkbox"/> Assignment | <input type="checkbox"/> MPEP 609/ _____ |
| <input type="checkbox"/> Response | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Fee Transmittal | <input type="checkbox"/> Brief |
| <input checked="" type="checkbox"/> Charge to Deposit Account 10-0750 | <input type="checkbox"/> Priority Document |
| <input checked="" type="checkbox"/> Amendment | <input type="checkbox"/> Status Inquiry |
| <input type="checkbox"/> Extension of Time | <input type="checkbox"/> Sequence Listings/Diskette |
| <input type="checkbox"/> Issue Fee Transmittal | <input type="checkbox"/> Biological Deposit Declaration |
| <input type="checkbox"/> PCT Filing _____ | <input checked="" type="checkbox"/> Other <u>Left for removal of</u> |
| <input type="checkbox"/> IDS-Form 1449 | <u>An Application for Patent</u> |
| | <u>Abandoned Unintentionally</u> |